

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

FEB 26 2008

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
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UNITED STATES OF AMERICA,

Plaintiff,

v.

MAURICE SMITH,

Defendant.

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CRIMINAL NO. A-08-cr-31 (3)

FACTUAL BASIS

Had this matter proceeded to trial, the United States Attorney for the Western District of Texas was prepared to prove the following facts beyond a reasonable doubt:

1. In April 2004, the Defendant, MAURICE SMITH, was hired by Dell Computer, Inc., of Round Rock, Texas ("Dell"), as a Materials Senior Associate. In this capacity, the Defendant had access to computer processors, a core operating component in computers manufactured by Dell.

2. Between May 2005 and September 2005, the Defendant stole approximately thirty (30) Intel Xeon computer processors from Dell and sold them to another Dell employee, co-Defendant SCOTTY RAY TRAW. TRAW knew that the processors were stolen. In turn, as the Defendant knew, TRAW resold and shipped the stolen processors to a buyer in California via FedEx. TRAW had met the buyer after putting some of the stolen processors for sale on an internet auction website. Each shipment contained several processors valued in excess of \$5000. The buyer would pay for the stolen processors by sending cash to TRAW in Austin, Texas.

3. During the relevant time period, the fair market value for a single, legitimately-

purchased Intel Xeon processor was approximately \$3800.

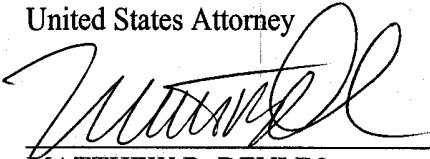
4. The Defendant knew that other persons were stealing computer processors from Dell Computer and providing them to TRAW.

5. On or about September 9, 2005, the Defendant surrendered \$31,800 in cash and a motorcycle to the Austin Police Department (APD), which the Defendant voluntarily stated represented proceeds from the sale of stolen processors. On or about September 14, 2005, an additional \$39,742.40, which the Defendant admitted were also proceeds from the sale of stolen processors, was seized by APD from a Wells Fargo bank account belonging to the Defendant.

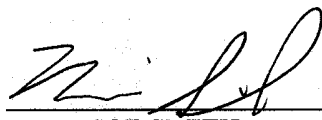
That, in summary, would be the evidence presented by the United States.

JOHNNY SUTTON
United States Attorney

By:


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I, MAURICE SMITH, have carefully read and reviewed the foregoing Factual Basis in its entirety, and have discussed it with my attorney. I freely and voluntarily admit that the statements contained in the Factual Basis are true and correct and accurately describe the facts and circumstances of the offense to which I am pleading guilty. In addition, I freely and voluntarily admit that the allegations contained in Count One of the Information are true and correct and that I am guilty of that charge.

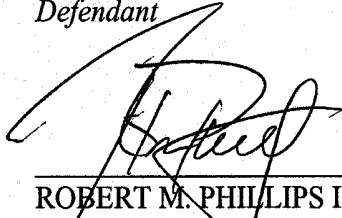


MAURICE SMITH

Defendant

2-26-08

Date



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Attorney for Defendant

2/26/08

Date